

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

-----X	:	
KIMBERLY MYERS,	:	
	:	
Plaintiff,	:	Civil Action No. 2:12-CV-597
-against-	:	
	:	
	:	
	:	<b>DECLARATION OF DEFENDANT</b>
	:	<b>ANGELO C. MOORE IN SUPPORT OF</b>
THE AGENCY GROUP, LTD., ANGELO	:	<b>MOTION TO VACATE DEFAULT</b>
C. MOORE, JOHN NORWOOD FISHER,	:	<b>JUDGMENT</b>
FISHBONE, and BEHIND CLOSED	:	
DOORS TOURING	:	
	:	
	:	
Defendants.	:	
-----X	:	

Angelo C. Moore, pursuant to 28 U.S.C. § 1746, being of full age, hereby declares as follows:

1. I am a Defendant in the above-captioned matter. I am fully familiar with the facts set forth herein. I make this Declaration in support of the instant motion brought by myself and co-Defendant John Norwood Fisher (the "Motion").

2. I am the lead singer in the band, Fishbone. Fishbone is a co-Defendant in this matter. Mr. Fisher also is a member of Fishbone.

3. In or about February 14, 2014, I was advised by a friend that he had read a story on the internet that a Judgment had been entered against me in the amount of \$1.4 million. That was the first time I had heard anything about the instant lawsuit.

4. Immediately after receiving this information, I contacted an attorney in a panic in an attempt to obtain more information and address this issue.

5. I learned that a woman named Kimberly Myers had filed the instant lawsuit against me and others. Previously, Ms. Myers had filed a lawsuit against me that

was dismissed “without prejudice” (the “First Lawsuit”). Although I knew about the First Lawsuit, I did not know about the instant one. I also did not understand the distinction between a case being dismissed “with prejudice” or “without prejudice.”

6. I was represented by counsel in connection with the First Lawsuit and I fully participated in, and cooperated with, discovery. For example, my deposition was taken in connection with the First Lawsuit.

7. I was never served with the Summons or Complaint in the instant action.

8. I have reviewed the Proof of Service (Dkt.# 4) filed by Plaintiff in the instant action which purports to show that I signed a United States Postal Service Return Receipt (the “Green Card”) on February 14, 2012 at my home in Woodland Hills, California. The signature on the Green Card, however, is not my signature.

9. Indeed, I could not have signed the Green Card on February 14, 2012 at my home as I was out of state on that date. On February 14, 2012, I was performing at Motorco Music Hall in Durham, North Carolina with Fishbone. Attached hereto as Exhibit A is a true and correct copy of Fishbone’s contract with Motorco Music Hall, to perform on February 14, 2012. Attached hereto as Exhibit B is a true and correct copy of e-mail correspondence between Fishbone’s management company, Silverback Music, and Motorco Music Hall, confirming Fishbone’s performance on February 14, 2012.

10. My attorney also showed me a copy of a letter, dated July 26, 2012, that was sent by the Court informing me that I had not filed an Answer to the Complaint in the instant action (the “Letter”). I never received a copy of this Letter. I was on tour at the time that I would have received the Letter. Attached hereto as Exhibit C is a true and correct copy of an itinerary showing that I was traveling on tour at that time. Indeed, a

action (the "Letter"). I never received a copy of this Letter. I was on tour at the time that I would have received the Letter. Attached hereto as Exhibit C is a true and correct copy of an itinerary showing that I was traveling on tour at that time. Indeed, a great deal of my time is spent touring. I never was shown the Letter upon my return. Perhaps it was never delivered to me because my zip code is not accurate in the Letter: it is supposed to be 91367, not 91307.

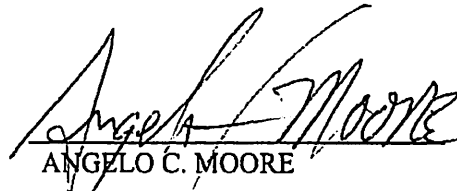
11. I would never have simply ignored this lawsuit. This is supported by the fact that I fully participated in the First Lawsuit -- I was represented by counsel, had my deposition taken, etc.

12. The \$1.4 million Judgment in this case would destroy me financially even if I had enough money to pay it, which I do not.

13. I respectfully request that the Court vacate the Default Judgment entered against me, and allow me to properly defend myself in this matter. I believe I have a meritorious defense.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 11, 2014.

  
ANGELO C. MOORE